

BRIAN L. JOHNSRUD, State Bar No. 184474
JENNIFER LOTZ, State Bar No. 196925
DANIEL E. LASSEN, State Bar No. 271446
CURLEY, HURTGEN & JOHNSRUD LLP
4400 Bohannon Drive, Suite 230
Menlo Park, CA 94025
Telephone: 650.600.5300
Facsimile: 650.323.1002
E-mail: bjohnsrud@chjllp.com
jlotz@chjllp.com
dlassen@chjllp.com

Attorneys for Defendant
JUUL LABS, INC.

CHRIS BAKER, State Bar No. 181557
DEBORAH SCHWARTZ, State Bar No. 208934
BAKER CURTIS & SCHWARTZ, P.C.
1 California Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 433-1064
Fax: (415) 366-2525
Email: cbaker@bakerlp.com
dschwartz@bakerlp.com

Attorneys for Plaintiff
MARCIE HAMILTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIE HAMILTON,

Plaintiff,

v.

JUUL LABS, INC.,

Defendant.

Case No. 3:20-cv-03710-EMC

**STIPULATION REGARDING FILING
OF FIRST AMENDED COMPLAINT
AND ~~PROPOSED~~ ORDER**

DEPT: Courtroom 5, 17th Floor
JUDGE: Hon. Edward M. Chen

1 This stipulation between Plaintiff Marcie Hamilton and Defendant JUUL Labs, Inc.
2 concerns the filing of a First Amended Complaint (“1AC”) in this Action.

3 1. On September 11, 2020, the Court granted in part and denied in part Defendant’s
4 motion to dismiss Plaintiff’s 1AC (Dkt # 23). The Court granted Plaintiff leave to amend as to
5 Plaintiff’s first four causes of action, struck certain allegations and remedies, and denied
6 Defendant’s motion to dismiss as Plaintiff’s fifth and sixth causes of action. As set forth in the
7 parties’ Joint Case Management Statement (Dkt # 26), the parties have different interpretations of
8 the Court’s Order. Based on the Court’s comments and guidance at the October 22, 2020 Case
9 Management Conference, they agree to the following:

10 2. Plaintiff will file her 1AC on or before October 29, 2020. This 1AC may, as
11 appropriate and consistent with F.R.C.P. 11 and 15, assert claims and allegations not raised in her
12 original complaint, subject to Defendant’s right to challenge such claims and allegations on all
13 applicable grounds.

14 3. With respect to any administrative exhaustion period under Labor Code § 2698 *et*
15 *seq.* (“PAGA”) that has not run as of the filing of the 1AC, the 1AC shall be deemed filed for
16 purposes of PAGA exhaustion only on the day after the applicable PAGA exhaustion period has
17 run. In other words, Defendant will not assert as a defense that the PAGA exhaustion periods
18 applicable to the August 27, 2020 and September 29, 2020 PAGA letters attached to the
19 Declaration of Chris Baker (Dkt. # 27) had not yet run as of the date the 1AC was filed.

20 4. This stipulation and the filing of the 1AC is not intended to waive either party’s
21 rights, defenses, claims, or arguments with respect to any limitations period, “relation back,”
22 tolling agreement, equitable tolling, whether a party has standing or is a proper party to this
23 action, or any other claim or defense, including under F.R.C.P. 12 and 15.

24 5. If the 1AC fails to reassert a claim or allegation dismissed or struck in the original
25 complaint as a result of the Court’s September 11, 2020 Order (Dkt # 23), that failure shall not
26 constitute a waiver of any right to appeal with respect to those claims or allegations.

27 ///

28 ///

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that I have obtained concurrence regarding the filing of this document from the other signatories to the document.

Dated: October 27, 2020

BAKER CURTIS & SCHWARTZ, P.C.

By -S-
Chris Baker
Attorneys for Plaintiff
MARCIE HAMILTON

~~PROPOSED~~ ORDER

The Court has reviewed the parties' Stipulation concerning the filing of the First Amended Complaint. Good cause appearing, the Court approves the Stipulation.

IT IS SO ORDERED:

Dated: October 28, 2020


Hon. Edward M. Chen
UNITED STATES DISTRICT JUDGE